

Mailed: 8/10/98

ORIGINAL

Decision 98-08-019 August 6, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of the City of Los Angeles to construct one public at-grade railroad crossing (immediately west of Normandie Avenue across Knox Street) and upgrade and convert two private rail crossings (one immediately west of Normandie Avenue across Douglas Driveway and the other at Douglas Driveway approximately 1,400 feet east of Western Avenue) to public at-grade railroad crossings across the Union Pacific Company in the City of Los Angeles, County of Los Angeles.

Application 97-08-059
 (Filed August 28, 1997
 Amended March 20, 1998)

OPINION

As part of the project to construct Harbor Gateway Center, City of Los Angeles (City) requests authority to construct one public railroad at-grade crossing, to upgrade and convert two existing private at-grade crossings to public at-grade crossings, and to remove an existing private at-grade crossing from service across the tracks of Union Pacific Railroad Company (UP) in Los Angeles, Los Angeles County, as set forth in Appendices A and B.

The new proposed public at-grade crossing is to be located at Knox Street immediately west of Normandie Avenue. The existing private railroad crossings at Douglas Driveway (to be called Francisco Street, an existing internal roadway that will be upgraded by Boeing Realty Company to City standards) immediately west of Normandie Avenue and at Douglas Driveway approximately 1,400 feet east of Western Avenue will be upgraded and converted to public at-grade crossings. The existing private at-grade spur crossing, approximately 1,170 feet east of Western Avenue and 230 feet north of Douglas Driveway (proposed Francisco Street),

immediately adjacent to Capitol Metals Company will be vacated, permanently closed, and physically removed, including removal of all existing surfacing.

The proposed public crossings are needed to provide public access to the proposed Harbor Gateway Center, located on 170 acres bounded by 190th Street on the north, Normandie Avenue on the east, industrial and residential properties on the south, and the Capitol Metals Company and the former International Light Metals properties and Western Avenue on the west. The project is to consist of approximately three million square feet of retail, office, and industrial park development on the site. Boeing Realty Company proposes to redevelop the project site in a manner that would replace underutilized, obsolete and inefficient industrial facilities with viable retail and office and industrial park facilities. The proposed project represents a comprehensive planned development that will enhance the productive use of the project site, provide high-quality, high-wage employment opportunities in a range of occupations, enhance the aesthetic character of the area, and maximize the fiscal benefits to the City in terms of sales and property tax revenues.

City is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et seq. City prepared an Environmental Impact Report (EIR) and approved the project. On June 19, 1997, a Notice of Determination was filed with the Los Angeles County Clerk which found that the "Project will have a significant effect on the environment." Mitigation measures were made a condition of project approval. None of the adverse impacts can be attributed to the grade crossings themselves. A Statement of Overriding Considerations was adopted for the project.

The Commission is a responsible agency for this project under CEQA, and has independently reviewed and assessed the lead agency's EIR and Notice of Determination. The sites of the proposed new public at-grade crossing, the existing private at-grade crossings and adjacent areas have been inspected by the Commission's Rail Safety and Carriers Division - Traffic Engineering Staff. Staff examined the need for and safety of the proposed public at-grade crossings and recommends that City's request be approved.

The application was found to be in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure which relates to the construction of public highways across railroad tracks. A location map and details from the revised project plans are shown in Appendix A.

By letter dated January 26, 1998, Staff advised City of deficiencies in the original application and requested that City file an amended application with the Commission. On March 20, 1998, City filed an Amended Application, which corrected the deficient items brought to City's attention by Staff. There are no other unresolved matters, and a public hearing is not necessary. Since the application was filed prior to January 1, 1998, the application is not subject requirements provided in Senate Bill (SB) 960 (Statutes 1996, Chapter 856).

Findings of Fact

1. Notice of the application and amendment were published in the Commission's Daily Calendar on August 29, 1997, and April 17, 1998.
2. City filed an Amended Application on March 20, 1998, which corrected the deficient items brought to City's attention by Staff. There are no other unresolved matters, and a public hearing is not necessary.
3. Since the application was filed prior to January 1, 1998, the application is not subject to Senate Bill (SB) 960. (Statutes 1996, Chapter 856).
4. City requests authority under Public Utilities Code Sections 1201-1205 to construct one public railroad crossing, to upgrade and convert two existing private crossings to public crossings, and to remove an existing private crossing from service across UP's Torrance Branch Line tracks and spur tracks, formerly owned by Southern Pacific Transportation Company (SPT), as more fully described by text and plans attached to Application 97-08-059 and Appendices A and B of this order.
5. Construction of the proposed public at-grade crossings will provide public access to the proposed Harbor Gateway Center.
6. Public convenience and necessity require construction of the proposed public at-grade crossing at Knox Street and the conversion of the existing private at-grade crossings to public at-grade crossings of the proposed Francisco Street.
7. Public convenience, necessity and safety require the permanent closure and physical removal of the existing private at-grade spur crossing, approximately 1,170 feet east of Western Avenue and 230 feet north of the proposed Francisco Street, immediately adjacent to Capitol Metals Company.

8. Public safety requires that protection at Knox Street, the proposed Francisco Street immediately west of Normandie Avenue, and the proposed Francisco Street approximately 1,400 feet east of Western Avenue be as specified in Appendices A and B.

9. City is the lead agency for this project under CEQA, as amended.

10. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR and Notice of Determination.

11. The project will have a significant effect on the environment. Mitigation measures were made a condition of approval.

12. A Statement of Overriding Considerations was adopted for the project.

Conclusion of Law

The application should be granted as set forth in the following order.

ORDER

IT IS ORDERED that:

1. City of Los Angeles (City) is authorized to construct one public railroad crossing at-grade across Knox Street immediately west of Normandie Avenue and to upgrade and convert two existing private at-grade crossings to public at-grade crossings of the proposed Francisco Street immediately west of Normandie Avenue and the proposed Francisco Street approximately 1,400 feet east of Western Avenue across Union Pacific Railroad Company's (UP) Torrance Branch Line tracks and spur tracks, formerly owned by Southern Pacific Transportation Company (SPT), in Los Angeles, Los Angeles County, at the locations and substantially as shown by the plans attached to the application and as more fully described by text in Appendices A and B of this order.

2. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.

3. Protection at the Knox Street crossing and both Francisco Street crossings shall be as set forth in the application and as more fully described by text in Appendices A and B of this order.

4. Construction expense of the crossings and installation cost of the automatic projection shall be borne by City.
5. Maintenance cost of the automatic protection shall also be borne by City.
6. Construction plans of the crossings, approved by the railroad, together with a copy of the agreement entered into between the parties, shall be filed with the Commission's Rail Safety and Carriers Division prior to commencing construction.
7. Construction of the crossings shall be in accordance with GO 72-B. Maintenance of the crossings surfaces shall also be in accordance with GO 72-B.
8. City shall contact the Rail Safety and Carriers Division Traffic Engineering Section no less than thirty (30) days before the scheduled opening to conduct a final inspection of the project. Any deficiencies found shall be corrected by City.
9. Within 30 days after correction of deficiencies, if any, City shall notify the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.
10. This authorization shall expire if not exercised within two (2) years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.
11. The issues presented in Application (A.) 97-08-059 are resolved.
12. This application is granted as set forth above.

Application 97-08-059 is closed.

This order becomes effective thirty (30) days from today.

Dated August 6, 1998, at San Francisco, California.

RICHARD A. BILAS

President

P. GREGORY CONLON

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

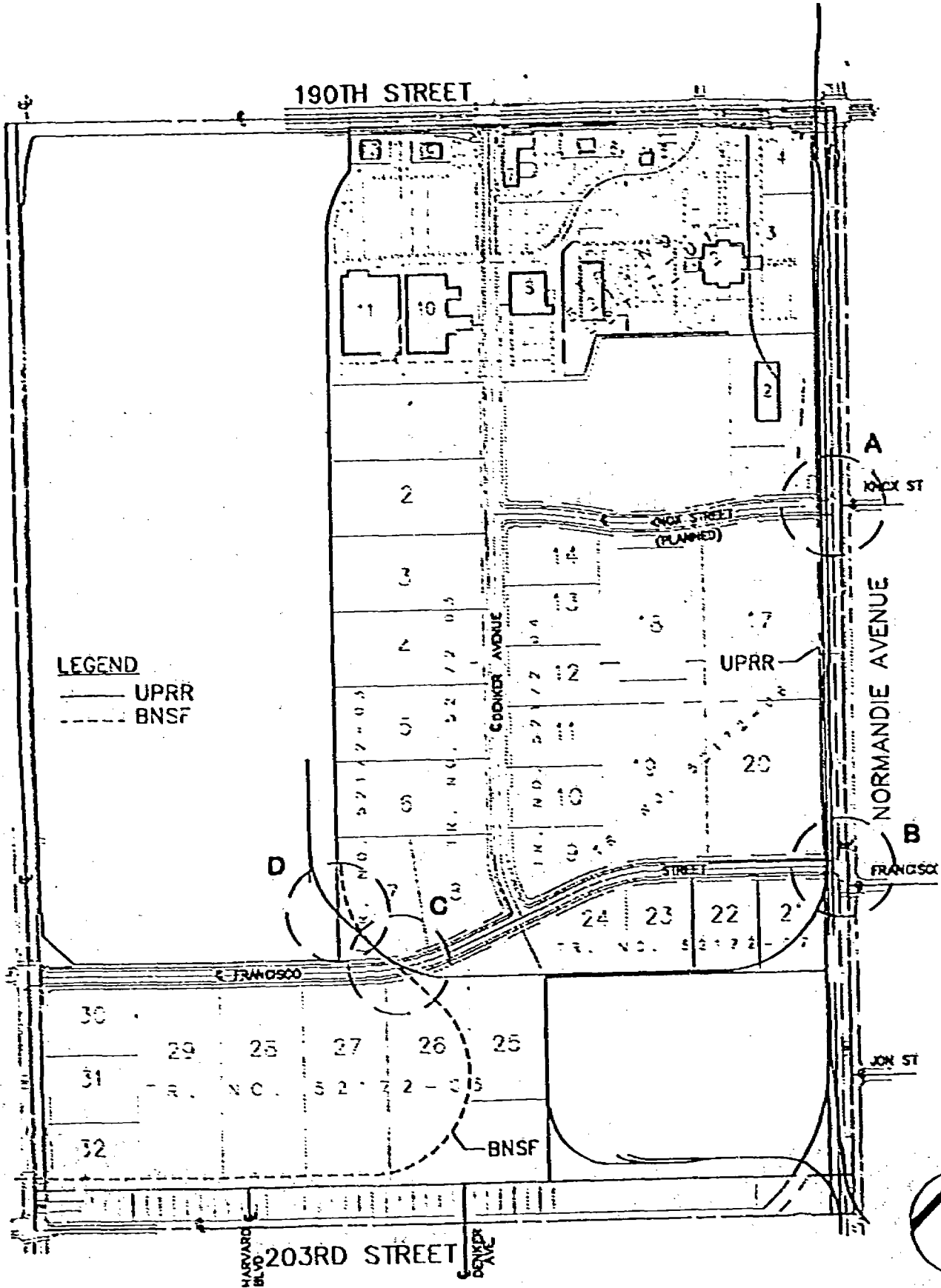
JOSIAH L. NEEPER

Commissioners

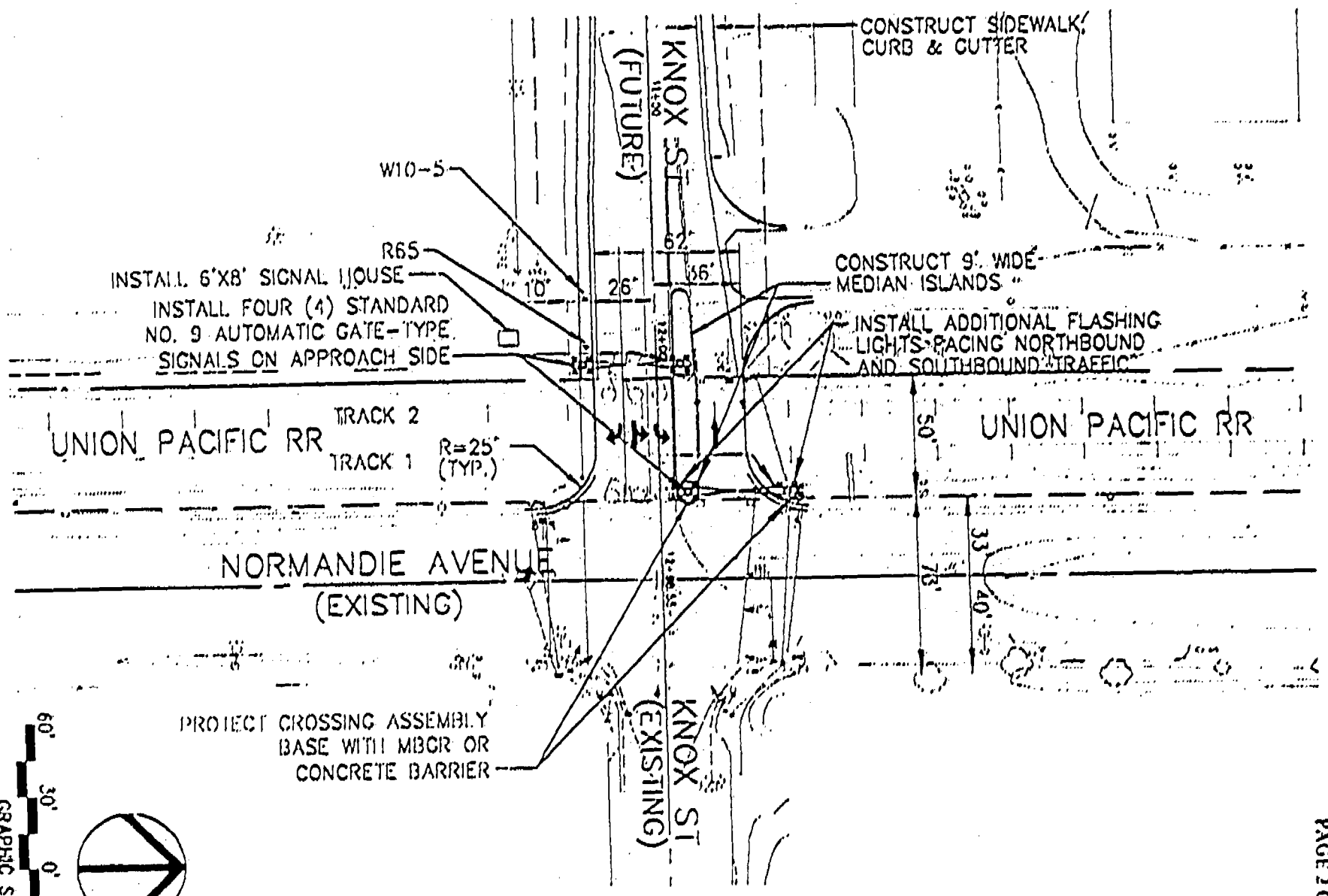
WESTERN AVENUE

LEGEND

- UPRR
- - - BNSF

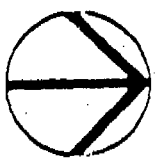
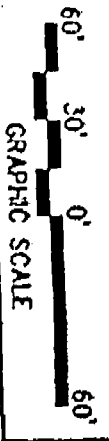


VICINITY MAP
PROPOSED GRADE CROSSINGS



PROPOSED GRADE CROSSING @
KNOX STREET BCG LINE MP 499.04

CROSSING "A"



PROTECT CROSSING ASSEMBLY
BASE WITH MBCR OR
CONCRETE BARRIER

UNION PACIFIC RR TRACK 2
UNION PACIFIC RR TRACK 1
R=25' (TYP.)
NORMANDIE AVENUE (EXISTING)
KNOX ST (FUTURE)
KNOX ST (EXISTING)

CONSTRUCT SIDEWALK,
CURB & CUTTER

CONSTRUCT 9' WIDE
MEDIAN ISLANDS

INSTALL ADDITIONAL FLASHING
LIGHTS FACING NORTHBOUND
AND SOUTHBOUND TRAFFIC

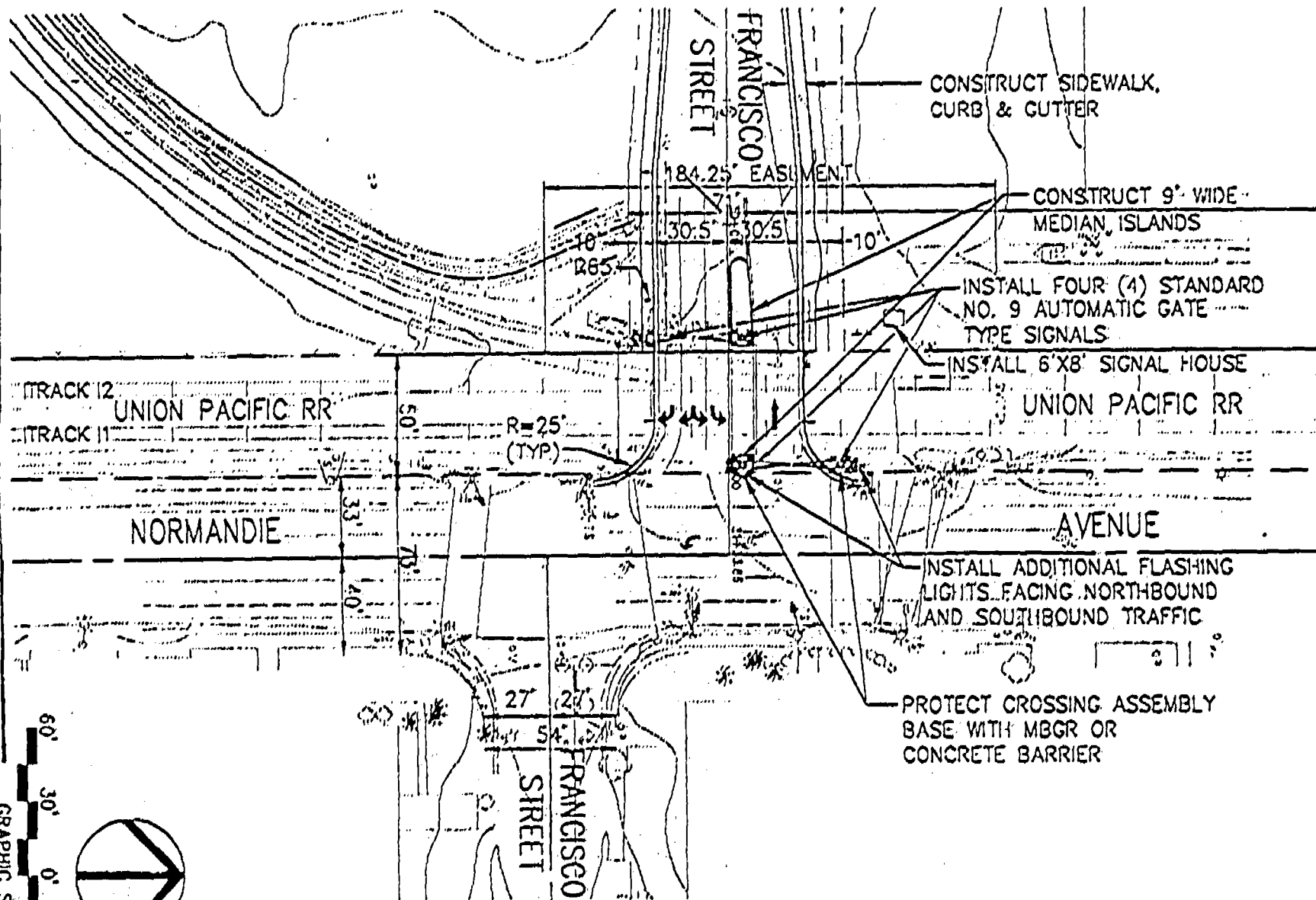
INSTALL 6'X8' SIGNAL HOUSE
INSTALL FOUR (4) STANDARD
NO. 9 AUTOMATIC GATE-TYPE
SIGNALS ON APPROACH SIDE

W10-5

R65

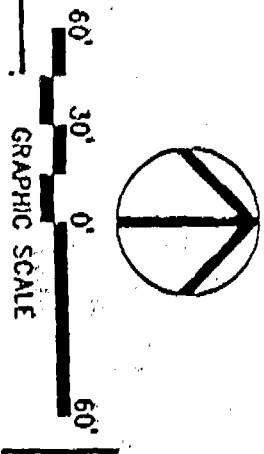
(FUTURE)

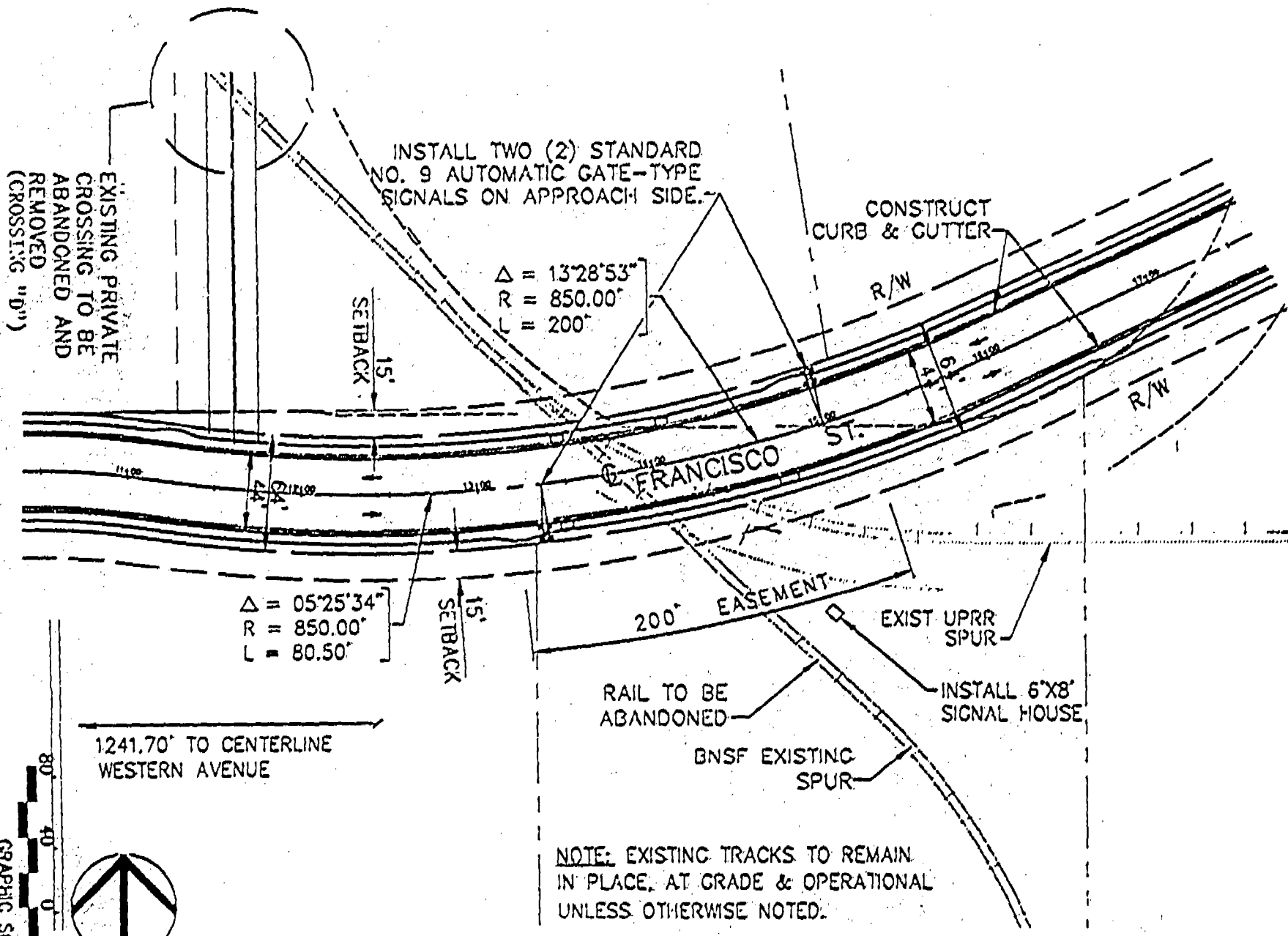
(EXISTING)



PROPOSED GRADE CROSSING @
FRANCISCO STREET BBG LINE MP 499.29

CROSSING "11B"





INSTALL TWO (2) STANDARD NO. 9 AUTOMATIC GATE-TYPE SIGNALS ON APPROACH SIDE.

CONSTRUCT CURB & CUTTER

$\Delta = 13^{\circ}28'53''$
 $R = 850.00'$
 $L = 200'$

$\Delta = 05^{\circ}25'34''$
 $R = 850.00'$
 $L = 80.50'$

RAIL TO BE ABANDONED

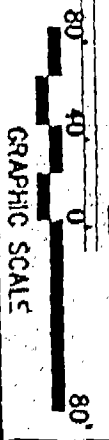
INSTALL 6'X8' SIGNAL HOUSE

NOTE: EXISTING TRACKS TO REMAIN IN PLACE, AT GRADE & OPERATIONAL UNLESS OTHERWISE NOTED.

EXISTING PRIVATE CROSSING TO BE ABANDONED AND REMOVED (CROSSING "D")

PROPOSED GRADE CROSSING @ FRANCISCO STREET BBG LINE MP 499.38-C

1241.70' TO CENTERLINE WESTERN AVENUE



(CROSSING "D")

As part of the project to construct Harbor Gateway Center, City of Los Angeles (City) requests authority to construct one public railroad at-grade crossing, to upgrade and convert two existing private at-grade crossings to public at-grade crossings, and to remove an existing private at-grade crossing from service across Union Pacific Railroad Company's (UP) Torrance Branch Line tracks and spur tracks, formerly owned by Southern Pacific Transportation Company (SPT) in Los Angeles, Los Angeles County. Full details of the proposed crossings and the crossing to be closed are indicated in Exhibits attached to the application, Appendix A attached to this order, and more particularly as set forth below:

HARBOR GATEWAY CENTER PROPOSED ADDITIONS

	<u>Crossing Number/ Street Name</u>	<u>Warning Devices</u>	<u>A.97-08-059 Location</u>
1.	BBG-499.04 Knox Street (Crossing "A")	Two Standard No. 9 automatic gate-type signals (General Order (GO) 75-C) and two median-mounted Standard No. 9 automatic gate-type signals (GO 75-C) with additional flashing lights facing northbound and southbound vehicular traffic on Normandie Avenue	Exhibit Plan A
2.	BBG-499.29 Francisco Street (Crossing "B")	Two Standard No. 9 automatic gate-type signals (GO 75-C) and two median-mounted Standard No. 9 automatic gate-type signals (GO 75-C) with additional flashing lights facing northbound and southbound vehicular traffic on Normandie Avenue	Exhibit Plan B
3.	BBG-499.38-C Francisco Street (Crossing "C")	Two Standard No. 9 automatic gate-type signals (GO 75-C)	Exhibit Plan C

HARBOR GATEWAY CENTER PROPOSED CLOSURE

Crossing Number/Location
BBG @ Milepost 499.44-C/
private roadway (Crossing "D")
located adjacent to Capitol
Metals Company, approximately
1,170 feet east of Western Avenue
and 230 feet north of the proposed
Francisco Street Crossing
(Crossing "C").

Closure Description
During the initial phases of
construction, private roadway shall
be vacated, permanently closed,
and physically removed, including
removal of all existing surfacing.

A.97-08-059
Location
Exhibit Plan C